

June 8, 2021

VIA E-MAIL

Margo Ludmer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Re: Lower Ley Creek Operable Unit of the Onondaga Lake Superfund Site, Onondaga County, New York

Dear Ms. Ludmer:

This letter is in response to Eric Wilson's Notice of Potential Liability and Request to Perform Remedial Activities (RA) for the Lower Ley Creek Operable Unit (OU) of the Onondaga Lake Superfund Site, Onondaga County, New York directed to our client, Cooper Crouse-Hinds, LLC ("CCH"), received April 30, 2021.

Please be advised that CCH denies it is a liable person with respect to the Lower Ley Creek OU. Nonetheless, solely for purposes of settlement of disputed claims, CCH is willing to engage in good faith negotiations with EPA concerning performance of Lower Ley Creek OU RA subject to the following conditions:

- the other identified PRPs performing the Remedial Design participate in good faith as well;
- final agreement can be reached on the terms of a mutually acceptable consent decree;
- final agreement can be reached on the terms of a mutually acceptable scope of work (SOW);
- negotiation of the consent decree and SOW may involve the Lower Ley Creek PRP Group and its consultants;

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- CCH will have access to the funds available in the Lower Ley Creek OU special account dedicated to funding the performance of the remedy at the Lower Ley Creek OU, and such funds will be spent on the Lower Ley Creek OU only;
- U.S. EPA draws on the Syracuse China letter of credit issued by J.P. Morgan Chase Bank in the amount of \$185,714.29, which serves as Syracuse China's financial assurance for the Lower Ley Creek remedial design;
- the RA provides for local disposal of excavated sediments and soils;
- CCH does not admit liability or any disputed fact;
- upon completion of the RA, the consent decree will resolve the liability of CCH and all current, past and future affiliates of CCH; and
- the Lower Ley Creek RA work will not occur until the RA at the upstream Ley Creek Deferred Media (i.e., Operable Unit 2) and any additional upstream sites or operable units has been completed, to avoid recontamination of Lower Ley Creek.

Please let me know whether you have any questions. We look forward to working with you.

Very truly yours,



Vincent Atriano

cc: Victoria Sacks
Lisa Sutton
Jeff Allen
Rees Alexander